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6 **BEFORE THE**
7 **BOARD OF REGISTERED NURSING**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2011-540

11 **MARIA LIGAYA TAROC LUMBAD,**
12 **aka MARIA LIGAYA YROJO**
13 **2754 E. Alden Place**
14 **Anaheim, CA 92806**

DEFAULT DECISION AND ORDER

15 **Registered Nurse License No. 630163**

[Gov. Code, §11520]

16 Respondent.

17 **FINDINGS OF FACT**

18 1. On or about December 15, 2010, Complainant Louise R. Bailey, M.Ed., RN, in her
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs, filed Accusation No. 2011-540 against Maria Ligaya Taroc Lumbad, aka
21 Maria Ligaya Yrojo (Respondent) before the Board of Registered Nursing. (Accusation attached
as Exhibit A.)

22 2. On or about December 15, 2003, the Board of Registered Nursing (Board) issued
23 Registered Nurse License No. 630163 to Respondent. The Registered Nurse License was in full
24 force and effect at all times relevant to the charges brought herein and will expire on June 30,
25 2011, unless renewed.

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1 3. On or about December 15, 2010, Respondent was served by First Class Mail and
2 Certified Mail copies of the Accusation No. 2011-540, Statement to Respondent, Notice of
3 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,
4 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and
5 Professions Code section 136 and California Code of Regulations, title 16, section 1409.1, is
6 required to be reported and maintained with the Board, which was and is:

7 2754 E. Alden Place
8 Anaheim, CA 92806.

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
11 124.

12 5. Government Code section 11506 states, in pertinent part:

13 (c) The respondent shall be entitled to a hearing on the merits if the respondent
14 files a notice of defense, and the notice shall be deemed a specific denial of all parts
15 of the accusation not expressly admitted. Failure to file a notice of defense shall
16 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
17 may nevertheless grant a hearing.

18 6. Respondent failed to file a Notice of Defense within 15 days after service upon her
19 of the Accusation, and therefore waived her right to a hearing on the merits of Accusation
20 No. 2011-540.

21 7. California Government Code section 11520 states, in pertinent part:

22 (a) If the respondent either fails to file a notice of defense or to appear at the
23 hearing, the agency may take action based upon the respondent's express admissions
24 or upon other evidence and affidavits may be used as evidence without any notice to
25 respondent.

26 8. Pursuant to its authority under Government Code section 11520, the Board finds
27 Respondent is in default. The Board will take action without further hearing and, based on the
28 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
29 as well as taking official notice of all the investigatory reports, exhibits and statements contained

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1 therein on file at the Board's offices regarding the allegations contained in Accusation
2 No. 2011-540, finds that the charges and allegations in Accusation No. 2011-540, are separately
3 and severally true and correct by clear and convincing evidence.

4 9. Taking official notice of its own internal records, pursuant to Business and
5 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
6 and Enforcement is \$900.00 as of January 10, 2011.

7 DETERMINATION OF ISSUES

8 1. Based on the foregoing findings of fact, Respondent Maria Ligaya Taroc Lumbad,
9 aka Maria Ligaya Yrojo has subjected her Registered Nurse License No. 630163 to discipline.

10 2. The agency has jurisdiction to adjudicate this case by default.

11 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
12 Nurse License based upon the following violations alleged in the Accusation which are supported
13 by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

14 a. Violation of Business and Professions Code section 2761, subdivision (a)(4), in that
15 on or about May 10, 2007, the Nevada State Board of Nursing filed a Agreement for Reprimand
16 signed by Respondent and the Board. The Reprimand was issued for the following reasons:

17 (1) On or about September 9, 2006, and September 10, 2006, while working as a
18 registered nurse at north Vista Hospital, Respondent removed the controlled substance Dilaudid
19 from the narcotic administration system. Respondent administered Dilaudid to a patient, and
20 retained the unused Dilaudid for her personal use, in violation of Nevada Revised Statutes
21 632.320 (7) (Unprofessional Conduct), and Nevada Administrative Code sections 632.890 (16)
22 (Failing to Properly Document Controlled Substances), and (18) (Diversion of Equipment or
23 Drugs).

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2 ORDER

3 IT IS SO ORDERED that Registered Nurse License No. 630163, heretofore issued to
4 Respondent Maria Ligaya Taroc Lumbad, aka Maria Ligaya Yrojo, is revoked.

5 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
6 written motion requesting that the Decision be vacated and stating the grounds relied on within
7 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
8 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

9 This Decision shall become effective on April 7, 2011.

10 It is so ORDERED March 8, 2011

11 
12 FOR THE BOARD OF REGISTERED NURSING
13 DEPARTMENT OF CONSUMER AFFAIRS

14 DOJ Matter ID:LA2010601340
15 70417753.doc

16 Attachment:
17 Exhibit A: Accusation
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Exhibit A

Accusation

1 EDMUND G. BROWN JR.
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 State Bar No. 132645
110 West A Street, Suite 1100
4 San Diego, CA 92101
Telephone: (619) 645-2105
5 Facsimile: (619) 645-2061

6 *Attorneys for Complainant*

7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2011-540*

12 **MARIA LIGAYA TAROC LUMBAD**
13 **AKA MARIA LIGAYA YROJO**
2754 E. Alden Place
Anaheim, CA 92806

ACCUSATION

14 **Registered Nurse License No. 630163**

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about December 15, 2003, the Board issued Registered Nurse License Number
24 630163 to Maria Ligaya Taroc Lumbad, aka Maria Ligaya Yrojo ("Respondent"). The registered
25 nurse license was in full force and effect at all times relevant to the charges brought herein and
26 will expire on June 30, 2011, unless renewed.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Disciplinary Action by the Nevada State Board of Nursing)**

3 8. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(4),
4 on the grounds of unprofessional conduct, in that she was disciplined by the Colorado State Board
5 of Nursing ("Colorado Board"), as follows:

6 9. On or about May 10, 2007, pursuant to an Agreement for Reprimand, in the
7 disciplinary matter entitled: *In the Matter of Maria Ligaya Yrojo, Licensed Professional Nurse*
8 *Nevada License No. RN50897*, the Nevada Board issued a Public Reprimand on Respondent's
9 nursing license.

10 10. The Nevada Board based its action on the following facts:

11 a. On or about September 2006, Respondent was employed as a Registered Nurse at
12 North Vista Hospital.

13 b. On or about September 9 through September 10, 2006, while working as a Registered
14 Nurse at North Vista Hospital, Respondent removed Dilaudid from the narcotic
15 administration system, administered Dilaudid to a patient, and retained the unused
16 Dilaudid for her personal use.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Making False Statement in Application for License)**

19 11. Respondent is subject to discipline under Code section 2761, subdivision (e), on the
20 grounds of unprofessional conduct, in that Respondent made false statements in her
21 application for licensure, as set forth below:

22 12. On or about May 10, 2009, Respondent submitted a Supplemental Information Report
23 to the Board as part of her license renewal process.

24 13. In the Supplemental Informal report, Respondent was asked the following question:
25 "Since you last renewed your license, have you had any license disciplined by a
26 government agency or other disciplinary body?"

27 14. In response to the question above, Respondent indicated a response of "NO".
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1 15. At the time Respondent answered this question in the negative, she had already been
2 subject to license discipline as described above in paragraphs 8 through 10.
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4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Unprofessional Conduct)**

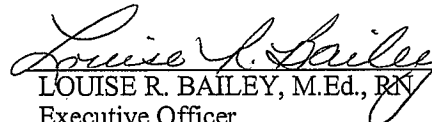
6 16. Respondent is subject to discipline under Code section 2761, subdivision (a), on the
7 grounds of unprofessional conduct, in that Respondent committed acts constituting unprofessional
8 conduct, as more particularly set forth in paragraphs 8 through 15, above.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Registered Nursing issue a decision:

- 12 1. Revoking or suspending Registered Nurse License Number 630163, issued to Maria
13 Ligaya Taroc Lumbad, aka Maria Ligaya Yrojo;
14 2. Ordering Maria Ligaya Taroc Lumbad, aka Maria Ligaya Yrojo, to pay the Board of
15 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
16 pursuant to Business and Professions Code section 125.3; and,
17 3. Taking such other and further action as deemed necessary and proper.

18 DATED: December 15, 2010

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20 LOUISE R. BAILEY, M.Ed., RN
21 Executive Officer
22 Board of Registered Nursing
23 Department of Consumer Affairs
24 State of California
25 Complainant
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LA2010601340